REMARKS

Claims 1 to 15 remain pending in the application. No amendments are being made thereto, since they are submitted to be allowable for the reasons given below. Reconsideration and continued prosecution of this application is respectfully requested.

The paragraph bridging pages 12-13 of the specification is being amended to include an inadvertently omitted reference to numeral 84, which was included in the drawings as filed (see FIG. 9). The amendment is supported by the drawings, and no new matter has been added.

§ 102 Rejections

Claims 1, 2, and 4-5 were rejected under 35 USC § 102(b) as being anticipated by U.S. Patent 6,155,699 (Miller et al.). The rejection cannot be sustained.

It is axiomatic that a *prima facie* case of anticipation requires the alleged anticipatory reference to teach *all limitations* of the rejected claim. One limitation of present claim 1 includes "a reflective polarizer". The Office Action alleges that Miller et al. teaches in FIGS. 2 and 3 thereof and corresponding description "a reflective polarizer layer (30)". This, however, is not the case. Reference numeral 30 in Miller et al. refers to a "distributed Bragg reflector (DBR) mirror". See Miller et al. at col. 5 line 33 and following. According to Miller et al., the DBR mirror "allows much of the primary light [emitted from the GaN die 12] to be transmitted through the DBR mirror 30 to the phosphorescent layer", and "reflects much of [the secondary light emitted back toward the GaN die 12], preventing the secondary light from entering the encapsulating layer 28 and being absorbed by the GaN die 12 or surrounding surfaces." Notably, the DBR mirror is not a reflective polarizer. Indeed, the word "polarize" or any variation thereof cannot be found anywhere in the reference. Since Miller et al. does not teach every element of claim 1, the rejection of claim1 and its dependent claims 2, 4, and 5 should be withdrawn.

§ 103 Rejections

Claim 3 was rejected under 35 USC § 103(a) as being unpatentable over Miller et al. in view of an "obvious choice in design" regarding the position of the LED. In response, the rejection cannot be sustained at least because claim 3 includes every limitation of claim 1, including "a reflective polarizer ...". As explained above, Miller et al. does not teach such an

element. Even if the position of the LED were an obvious choice in design, the Examiner has not set forth a *prima facie* case of obviousness – the proposed combination still lacks a reflective polarizer. Withdrawal of the rejection is respectfully requested.

Claims 6-8 were rejected under 35 USC § 103(a) as being unpatentable over Miller et al. in view of U.S. Patent 5,813,753 (Vriens et al.). The rejection cannot be sustained at least because neither Miller et al. nor Vriens et al. teach a reflective polarizer, which claims 6-8 require through their dependence on claim 1. Withdrawal of the rejection is respectfully requested.

Claims 9-12 were rejected under 35 USC § 103(a) as being unpatentable over Miller et al. in view of Vriens et al., and further in view of U.S. Patent 6,172,810 (Fleming et al.). The rejection cannot be sustained at least because none of these references teach a reflective polarizer, which claims 9-12 require through their indirect dependence on claim 1. Withdrawal of the rejection is respectfully requested.

Claim 13 was rejected under 35 USC § 103(a) as being unpatentable over Miller et al. in view of U.S. Patent 6,894,821 (Kotchick). The Office Action asserted that it would have been obvious "to use the filter made of cholesteric material of Kotchick in the display of Miller for the purpose of improving the ambient brightness of the display." Applicants respectfully traverse.

Although Miller et al. mentions in one place (col. 1 line 13) that LEDs can be used as displays, Miller et al. is not directed to displays, and particularly not to transflective displays like those in Kotchick, and to which the ambient brightness problem mentioned in Kotchick is directed. Moreover, the "cholesteric material" taught by Kotchick is a reflective polarizer, and the Examiner has provided no explanation why one would substitute a reflective polarizer (Kotchick) for a DBR mirror (Miller et al.). Therefore, the Office Action has not set forth a *prima facie* case of obviousness, and the rejection of claim 13 should be withdrawn.

Claims 14-15 were rejected under 35 USC § 103(a) as being unpatentable over Miller et al. in view of Fleming et al. (and possibly also in view of Vriens). The Office Action asserted that it would have been obvious to use the polymeric material of Fleming for the filter of the LED package of Miller in view of Vriens for the purpose of improving the lifetime of the display. Applicants respectfully traverse. As mentioned above, none of these references teach a reflective

polarizer, which claims 14-15 require through their dependence on claim 1. Withdrawal of the rejection is respectfully requested.

CONCLUSION

In view of the foregoing, the application is submitted to be in condition for allowance, the early indication of which is earnestly solicited.

This Amendment is believed to be timely submitted, and no fee is believed to be due. If this belief is incorrect, please charge any required fee to Deposit Account No. 13-3723.

Respectfully submitted,

28 Feb 2006
Date

By: Stephen C. Jensen
Stephen C. Jensen, Reg. No.: 35,207
Telephone No.: 651-736-3369

Office of Intellectual Property Counsel
3M Innovative Properties Company
Facsimile No.: 651-736-3833